

402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 11, 1944. A plea of guilty having been entered, the defendant was fined \$50.

7300. Adulteration and misbranding of jam. U. S. v. 153 Cases and 164 Cases of Jam (and 1 other seizure action against jam). Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered delivered to a public institution. (F. D. C. Nos. 14603, 14668. Sample Nos. 92846-F, 92847-F.)

LIBELS FILED: November 27 and December 19, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about October 18, 1944, by the Southland Preserving Co., from Chattanooga, Tenn.

PRODUCT: 717 cases, each containing 24 1-pound jars, of jam, at Washington, D. C.

LABEL, IN PART: (Jars) "Tara 'Fruit of the Good Earth' Pure Raspberry [or 'Strawberry'] Jam."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), a portion of the product (strawberry) consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as strawberry or raspberry jam, a food for which a definition and standard of identity has been prescribed by regulations promulgated by law, and it failed to conform to such definition and standard since it was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard.

DISPOSITION: January 2 and 10, 1945. No claimant having appeared, judgments of condemnation were entered and the decomposed portion of the product was ordered destroyed. The remainder was ordered delivered to a public institution.

7301. Adulteration of jellies. U. S. v. 10 Cases of Apple-Strawberry Jelly, 20 Cases of Apple Jelly, 10 Cases of Apple-Grape Jelly, 10 Cases of Apple-Raspberry Jelly, 25 Cases of Blackberry Jelly. Default decree of condemnation. Products ordered delivered to a charitable institution, for use as animal feed. (F. D. C. No. 14136. Sample Nos. 99003-F to 99007-F, incl.)

LIBEL FILED: October 27, 1944, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about September 13, 1944, by the Preserve Products Co., St. Louis, Mo.

PRODUCT: 25 cases, each containing 24 1-pound jars, and 50 cases, each containing 12 2-pound jars, of jellies, at O'Fallon, Ill.

LABEL, IN PART: "Haddon Hall Pure Apple-Strawberry [or "Apple," "Apple-Grape," or "Apple-Raspberry"] Jelly," and "Blue Star Pure Blackberry Jelly."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: November 27, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution, for use as animal feed.

7302. Adulteration and misbranding of jellies. U. S. v. 35 Cases of Apple Jelly, 100 Cases of Red Raspberry Jelly, 100 Cases of Strawberry Jelly, 50 Cases of Blackberry Jelly. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14403. Sample Nos. 86704-F, 86705-F, 86707-F, 86709-F.)

LIBEL FILED: November 13, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 7, 1944, by the Phillips Co., from Chicago, Ill.

PRODUCT: 35 cases of apple jelly, 100 cases of red raspberry jelly, 100 cases of strawberry jelly, and 50 cases of blackberry jelly, each case containing 24 12-ounce jars, at Milwaukee, Wis.

LABEL, IN PART: (Jars) "United Brand Pure Apple Jelly Mint Flavored [or "Red Raspberry Jelly," "Strawberry Jelly," or "Blackberry Jelly"]. * * * Distributed by United Food Sales Milwaukee, Wis."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, fruit juice, had been in part omitted; and Section 402 (b) (2), products deficient in fruit juice, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, had been substituted in whole or in part for the jellies.

Misbranding, Section 403 (a), the names "Apple Jelly," "Red Raspberry Jelly," "Strawberry Jelly," or "Blackberry Jelly," were false and misleading; Section 403 (b), they were offered for sale under the names of other foods; and, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients, they had not been concentrated by heat to such point that the soluble solids content was not less than 65 percent, and they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients.

DISPOSITION: December 13, 1944. The Phillips Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7303. Adulteration and misbranding of jelly. U. S. v. 20 Cases of Jellies. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 13315. Sample Nos. 54852-F to 54854-F, incl.)

LIBEL FILED: August 11, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about October 28, 1943, by the Morgan Groceries Co., from Chicago, Ill.

PRODUCT: 18 cases, each containing 24 16-ounce jars, 1 case containing 22 12-ounce jars, and 1 case containing 22 16-ounce jars of jelly, at Milwaukee, Wis.

LABEL, IN PART: (Jars) "Lady Marie Pure Jellies Blackberry [or "Raspberry" or "Crabapple"] * * * Lady Marie Preserving Co. Chicago, Ill."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, fruit juices, had been in part omitted from the products; Section 402 (b) (2), products deficient in fruit juices, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, had been substituted in whole or in part for blackberry, raspberry, and crabapple jelly, respectively. Blackberry jelly and crabapple jelly (16-ounce size only), Section 402 (b) (3), inferiority had been concealed through the use of artificial coloring; and Section 402 (b) (4), artificial coloring had been added and mixed and packed with the products so as to make them appear better and of greater value than they were.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for jellies since they were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard, they had not been concentrated by heat to such point that their soluble solids content was not less than 65 percent, and they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients of fruit jellies; and, Section 403 (a), the names "Pure Jellies Blackberry [or "Raspberry" or "Crabapple"]," were false and misleading.

DISPOSITION: November 7, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a public institution.

7304. Misbranding of vinegar. U. S. v. 49 Cases of Vinegar. Default decree of condemnation. Product ordered delivered to a charitable or public institution. (F. D. C. No. 14134. Sample No. 73655-F.)

LIBEL FILED: On or about October 30, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about September 11, 1944, by Old World Foods, Inc., from Los Angeles, Calif.

PRODUCTS 49 cases, each containing 12 bottles, of vinegar at Portland, Oreg.

LABEL, IN PART: (Bottles) "Twang distilled and wine vinegar * * * Lombardi Products, Los Angeles, California."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement appearing on the label, "Distilled water added to make uniform acetic strength of 4½%," was false and misleading since the product contained less than the declared acetic acid strength; and, Section 403 (e) (2), it was food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 qt." was inaccurate.